

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

OHIO

STEVEN ORICK,

Plaintiff,

V.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**JUDGMENT IN A CIVIL CASE**

Case Number: 1:10-cv-00871

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

...the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 16) in all respects. The Court REVERSES the decision of the Commissioner denying Plaintiff disability insurance benefits, and REMANDS this matter under Sentence Four of 42 U.S.C. § 405(g). On remand, the ALJ is instructed to 1) request supplemental or clarifying evidence from Dr. Nickell in support of disability opinions, including clinical findings and diagnostic testing; 2) properly assess and evaluate the opinion evidence relating to Plaintiff's impairments in accordance with agency regulations and controlling law; 3) properly consider Plaintiff's credibility and complaints of pain, and provide a clear explanation for the conclusions reached therein, and 4) provide a hypothetical question to the vocational expert that accurately portrays Plaintiff's impairments and resolve any conflicts between the evidence provided by the vocational expert and the DOT. As no further matters remain pending before this Court, this case is CLOSED.

3/12/2012

Date

JAMES BONINI, CLERK

Clerk

s/Kevin Moser

(By) Deputy Clerk